

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 579 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI

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1. Whether Reporters of Local Papers may be allowed  
to see the judgements?No

2. To be referred to the Reporter or not?  
No

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3. Whether Their Lordships wish to see the fair copy  
of the judgement? No

4. Whether this case involves a substantial question  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?  
No

5. Whether it is to be circulated to the Civil Judge?  
No

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MAHADEV LAGHU UDHYOG THROUGH ITS PARTNER

Versus

STATE OF GUJARAT

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Appearance:

MR YS LAKHANI for Petitioners

Mr.S.A. Pandya, APP, for Respondent No. 1

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CORAM : MR.JUSTICE M.H.KADRI

Date of decision: 26/02/98

ORAL JUDGEMENT

Rule. Mr. S.A. Pandya, learned A.P.P. waives service of Rule on behalf of the respondent.

At the request of the learned advocates appearing for the parties, the application is heard today.

By means of filing this application under Section 482 of the Code of Criminal Procedure, 1973, the petitioners have prayed to quash and set aside the complaint, being Crime Register No.III-209/98, registered at Navsari Police Station, for the offences punishable under Sections 70-A and 81 of the Bombay Prohibition Act, 1949. The matter was placed for admission hearing before this Court on February 17, 1998. After considering the submissions advanced at the bar by the learned advocate for the petitioners, notice was issued to the respondent making it returnable on February 23, 1998. The respondent has been duly served. The averments made in the application are not controverted by the respondent.

It is an admitted position that similar such complaints have been quashed by the High Court in:

- (i) Misc. Criminal Application No.482 of 1995, decided on February 10, 1995, by the Court (Coram: R.A. Mehta, J.).
- (ii) Special Criminal Application No.1222/91, decided on September 6, 1991 by the Court (Coram: J.U. Mehta, J.).
- (iii) Misc. Criminal Applications Nos. 2785/91, 2786/91 & 2787/91 all decided on August 25, 1993, by the Court (Coram: N.J. Pandya, J.);
- (iv) Misc. Criminal Applications Nos. 4472, 4473, 4488, 4489, and 4490 all of 1993, decided on September 3, 1993, by the Court (Coram: N.J. Pandya, J.) and
- (v) Misc. Criminal Application No.6715 of 1997 decided on November 24, 1997, by the Court (Coram: N.N. Mathur, J.).

Having regard to different orders passed by the

High Court which have been quoted above, the following order is passed.

- (1) Complaint, being Crime Register No.III-209/98, registered at Navsari Police Station, is hereby quashed.
- (2) The muddamal goods attached from the Truck in question be released to the petitioners on their undertaking to the Court that the goods shall not be stored or used or consumed or sold in Gujarat Territory, and will be taken to Gholwad, of District Thana, State of Maharashtra.
- (3) The petitioners shall carry the goods in the truck in question under police escort to be given by the police authorities at the cost of the petitioners.
- (4) The Truck bearing registration No.DL-1-GA-5836 shall be released in favour of the petitioners after proper verification.

Rule is made absolute to the extent indicated hereinabove. Direct service is permitted.

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(swamy)